

APPEAL NO. 021690  
FILED JULY 25, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 15, 2002. The hearing officer resolved the disputed issue by determining that the respondent's (claimant) impairment rating (IR) is 21%. The appellant (carrier) contends that this determination is incorrect and that the IR should be either 4% or 0%. The appeal file contains no response from the claimant.

DECISION

Affirmed.

Section 408.125(e) provides that where there is a dispute as to the IR, the report of the Texas Workers' Compensation Commission (Commission)-selected designated doctor is entitled to presumptive weight unless it is contrary to the great weight of the other medical evidence. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)) provides that responses by designated doctors to requests for clarification from the Commission are considered to have presumptive weight as they are part of the doctor's opinion. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor was a factual determination for the hearing officer to resolve.

When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds upon which to reverse the hearing officer's determination that the designated doctor's amended opinion is entitled to presumptive weight and that the claimant's IR is 21%.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Judy L. S. Barnes  
Appeals Judge

---

Daniel R. Barry  
Appeals Judge